

REMARKS

This responds to the Notice of Non-Compliant Amendment mailed on November 15, 2005 and to the Office Action mailed on May 4, 2005, and the references cited therewith.

Claims 1, 10, 23, 24, and 26 are amended, and claim 20 is canceled; as a result, claims 1-19 and 21-26 are now pending in this application.

§Non-Compliant Amendment under 37 C.F.R 1.111(b)

The notice of Non-Compliant Amendment objected to the reply filed on August 8, 2005 as not being fully responsive to the prior Office Action because amendments were made to claims 1, 10, 12, 23, 24 and 26 and arguments pertaining to the amended claims were only presented for claim 10. Specifically, the notice highlighted the last sentence of 37 CFR 1.111(b):

A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentable distinguishes them from the references does not comply with the requirements of this section.

37 CFR 1.111(b), last sentence.

The notice requested that the Applicants present arguments to each independent claim amended.

Applicants respectfully submit that the reply should not be objected to under 37 CFR 1.111(b) for the reason that the argument pertaining to the limitations of amended claim 10 is also applicable to corresponding limitations of claims 1, 12, 23, 24 and 26.

For example, the argument on page 12 of the reply is directed at a limitation of claim 10 that requires translating a first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes multiple attribute-value pairs associated with the second attribute-value pair.

Claim 10 includes the following limitation:

translating the first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes a plurality of attribute-value pairs...

Claim 1 includes the following limitation:

translate the first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes a plurality of attribute-value pairs...

Claim 12 includes the following limitation:

translating the first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes a plurality of attribute-value pairs

Claim 23 includes the following limitation:

translate the first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes a plurality of attribute-value pairs

Claim 24 includes the following limitation:

translate the first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes a plurality of attribute-value pairs

Claim 26 includes the following limitation:

translates the first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes a plurality of attribute-value pairs

Applicants respectfully request that the remarks and amendments pertaining to claim 10 also be considered when examining independent claims 1, 12, 23, 24 and 26 for allowability.

§102 Rejection of the Claims

Claims 1-19 and 21-26 were rejected under 35 U.S.C. § 102(b) for anticipation by Perkowski (U.S. 5,950,173).

Applicants respectfully submit that claims 1-19 and 21-26 should not be rejected under 35 U.S.C. § 102(b) for the reason that Perkowski does not disclose each and every limitation of the claim 10, as amended, of their present application.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 10 includes the following limitation:

translating the first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes a plurality of attribute-value pairs that are associated with the second attribute-value pair, the second attribute-value pair comprising a canonical translation of the first attribute-value pair.

The Office Action contends that the above limitation of claim 10 is anticipated by the following disclosure in Perkowski:

Once an "initial" IPI Registrant Database has been constructed using any one or more of the four database construction techniques described hereinabove, manufacturers registered therewith can be periodically contacted using Web-based electronic document (i.e. message) transfer techniques in order to request updating and confirmation of the UPC/URL listings contained within the database of the IPI subsystem of the present invention (emphasis added).

Col. 25, lines 47-54.

The above quote from Perkowski describes an IPI subsystem that updates an IPI Registrant Database. The IPI subsystem periodically utilizes message transfer techniques to contact manufacturers to update respective listings contained in the IPI Registrant database.

Claim 10 requires translating a first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes multiple attribute-value pairs associated with the second attribute-value pair. For example, a first attribute-value pair, "screen_size = xga", may be translated to a second attribute-value pair, "display_res = 1024x768", responsive to identifying "screen_size = xga" in a list that includes multiple attribute-value pairs (e.g., including "screen_size = xga") associated with the second attribute-value pair, "display_res = 1024x768," (Example Embodiment, Application, page 14).

In contrast to the above quoted limitation of claim 10, the quote from Perkowski does not describe translating a first attribute-value pair to a second attribute pair. Perkowski simply describes updating listings. Updating a listing is not the same as translating a first attribute-value pair to a second attribute-value pair. The limitation "translating a first attribute-value pair to a

second attribute-value pair” requires translation of the “first attribute-value pair” to a *different* attribute-value pair, namely the “second attribute-value pair.” The above quote from Perkowski describes no such translation.

Moreover, because the above quote from Perkowski fails to describe translating, it must also fail to describe translating that is responsive to identifying. Indeed, without “identifying”, as required by claim 10, no such translation is performed. In addition, claim 10 includes other limitations not described in the above quote from Perkowski (e.g., a list, a list that includes multiple attribute-pairs, a list that includes multiple attribute-pairs that are associated with the second attribute-value pair, utilizing such a list to identify the first attribute-value pair, a second attribute-value pair that is a canonical translation of the first attribute-value pair).

Perkowski therefore cannot be said to anticipate the above quoted limitations because Perkowski describes updating listings in an IPI Registrant Database and claim 10 requires translating a first attribute-value pair to a second attribute-value pair responsive to identifying the first attribute-value pair in a list that includes multiple attribute-pairs associated with the second attribute-value pair.

In summary, Perkowski does not disclose each and every limitation of claim 10, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

Applicants request that the above remarks and amendments contained herein also be considered when examining independent claims 1, 12, 23, 24 and 26 for allowability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-9, 11, 13-19 and 21 under 35 U.S.C. § 102 is also addressed by the above remarks, and the amendments contained herein.

Claim 22 includes the following limitation:

creating a record search file from said records in said database, wherein token integers for each parameter type from said database are arranged sequentially adjacent to each other in said record search file;

The Office Action contends that the above limitation of claim 22 is anticipated by Figure 4A1 in Perkowski as described below:

As shown in FIG. 4A1, the ... IPI Registrant Database... comprises a ... an IPN Information Field for storing information (e.g. numeric or alphanumeric string) representative of the Universal Product Number (e.g. twelve-digit UPC Version A number or eight-digit UPC Version E number) assigned to the consumer product.

Col. 18, lines 33-40.

Claim 22 requires creating a record search file from records in a database where token integers for each parameter type in the database are arranged sequentially adjacent to each other in the record search file. For example, a record search file may be created from a database that includes multiple records with each record including a color token integer and a cost token integer. Continuing with the example, the search file may be created such that color token integers from each record in the database are located sequentially adjacent in the search file and such that cost token integers from each record in the database are located sequentially adjacent in the record search file.

In contrast to the limitations of claim 22, the above quote from Perkowski does not describe creating a record search file much less creating a record search file from records in a database much less creating a record search file where token integers for each parameter type in the database are arranged sequentially adjacent to each other in the record search file. The above quote from Perkowski simply describes an IPI registrant database.

Moreover, the Office Action states the following:

See FIG. 4A1 in particular. Token integers (IP/ISN) are associated with character strings (product descriptions). A query performed for that token integer... (emphasis added).

Office Action, mailed May 4, 2005, Page 5, paragraph 6.

However, Applicants have carefully searched Perkowski and have been unable to locate the phrase “token integer.” Applicants respectfully request the Examiner to provide a citation from Perkowski that explicitly includes the phrase “token integer” or to provide a citation from Perkowski that inherently describes a token integer. On the other hand, if the Examiner has taken official notice of a “token integer” then Applicants respectfully traverse this official notice and request the Examiner to provide a reference that describes such an element. Absent a citation from Perkowski or the provision of another reference, it appears that the Examiner is using personal knowledge, so the Examiner is respectfully requested to submit an affidavit as required by 37 C.F.R. § 1.104(d)(2).

In summary, Perkowski cannot be said to anticipate the above quoted limitations because claim 22 requires creating a record search file from records in a database where token integers for each parameter type in the database are arranged sequentially adjacent to each other in the search file.

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Serial Number: 09/730,538

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Dkt: 2043.061US1

**Title: SYSTEM AND METHOD FOR COLLECTING, ASSOCIATING, NORMALIZING AND PRESENTING PRODUCT AND VENDOR
INFORMATION ON A DISTRIBUTED NETWORK**

Applicants request that the above remarks and amendments also be considered when examining independent claim 25 for allowability.

CONCLUSION

In accordance with 37 CFR 1.173(b), only the non-compliant section of Applicants' previously-submitted Amendment and Response has been included in this response.

Applicants respectfully submit that the Examiner withdraw the non-compliant status and examine the response as appropriate.

The Examiner is invited to telephone Applicants' attorney at 408-278-4045 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17th day of January, 2006.

Dawn R. Shaw

Name



Signature